

PTOL-413A (08-08)
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/645,699First Named Applicant: Yutaka EnkoExaminer: MgmtArt Unit: 2162Status of Application: non final

Tentative Participants:

(1) George Yee (legal)

(2) _____

(3) Mr. Taba (client)

(4) _____

Proposed Date of Interview: Sept. 3Proposed Time: 3 AM ☒ PM

Type of Interview Requested:

(1) ☒ Telephonic(2) ☐ Personal(3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated:

☐ YES☐ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej</u>	<u>1, 9, 12, 21</u>	<u>Rabinovich</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Argument to be Presented:

see attached (3 pages)

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature_____
Examiner/SPE Signature_____
Typed/Printed Name of Applicant or Representative_____
Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

INFORMAL COMMUNICATION

Date: August 15, 2008

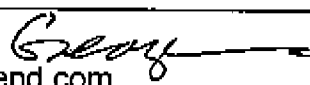
U.S. Appl. No. 10/645,699
(our docket 16869S-091100US)

Pages (including this one): 2

TO: Examiner Myint, Dennis

Fax Number: 571 273 - 5629

From: George B. F. Yee, Reg. No. 37,478

(650) 324 - 6352 (direct line), gbfy@townsend.com RE: U.S. Appl. No. 10/645,699
outline for telephonic interview

Dear Examiner Myint:

Following is our proposal for points of discussion in support of our request for a telephonic interview. We propose an interview date of Sept. 3, at 3 PM (eastern time zone).

1. The independent claims are 1, 9, 12, and 21.
2. The claims were amended to address the Section 112 rejections.
3. The independent claims were rejected under Section 103 per Rabinovich (U.S. 6,256,675) and Fung (U.S. Pub. No. 2007/0136393).
4. Claim 1 is sufficiently representative for a discussion of the distinctions over Lubbers.
5. Office action asserted that the Rabinovich requestor distributor 101 and host 103 are "mapped" to (i.e., are equivalent to) the "first computer" of the pending claims → we believe the asserted combination is inappropriate because it uses hindsight construction
6. "module for transmitting an advertisement packet to the third computer ..." is not taught
 - a. Rabinovich, col. 15, line 17 was cited (sending offload request teaches module for transmitting)
 - b. the examiner equated "requestor 109" to the claimed third computer;
 - c. however, none of the offload requests go to requestor 109; therefore this limitation is not taught
7. "a module for receiving a return request packet ." is not taught
 - a. Office action cited Fung because this is missing from Rabinovich
 - b. we will explain that Fung does not teach the missing element
8. "... a migrator acceptor search packet ..." is not taught
 - a. this is in the limitation for "a module for transmitting a migrator acceptor search packet to the second computer..."
 - b. neither reference teaches such a search packet

I believe we have identified the issues sufficiently to sustain our request for an interview.

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1. A computer system comprising a first network, a first computer connected to the first network, a second network connected to the first network, and a second computer and a third computer connected to the second network, the first computer comprising:

- a communication interface for connecting the first computer to the first network;
 - a disk storage device for storing data;
 - a disk interface for communicating data with the disk storage device;
 - a CPU for controlling the first computer; and
 - a memory for storing data and program code for operating the CPU,
- wherein the program code includes:

a module for recording situations of access to a file stored in the disk storage device from the third computer, the module being executed by the CPU at predetermined intervals, and

wherein the program code is executed depending on the access situation, the program code further including:

- a module for searching the second network connected to the third computer;
- a module for searching a candidate for migration for the second network;
- a module for designating the file as the candidate for migration to the second computer;
- a module for transmitting a migrator acceptor search packet to the second computer for inquiring whether or not the second computer can accept the file in accordance with a requested storage capacity;
- a module for receiving a reply packet from the second computer as a response to the migrator acceptor search packet;
- a module for transmitting an advertisement packet to the third computer either after or before the file is transferred to the second computer, the advertisement packet indicating that the file is transferred to the second computer;
- a module for transferring the file to the second computer;
- a module for storing information indicative of whether the file has been transferred to the second computer or the file exists in the first computer;
- a module for storing a path name for the second computer when the file has been transferred to the second computer;
- a module for allowing the third computer to access the file via the first computer based on the information and the path name when the first computer receives an access request from the third computer for the file after the file has been transferred to the second computer;
- a module for receiving a return request packet from the second computer and issuing a read request in response, for returning the file to the first computer; and
- a module for receiving and storing the file in the first computer, when the file is returned from the second computer.